

Order

Michigan Supreme Court
Lansing, Michigan

April 27, 2010

Marilyn Kelly,
Chief Justice

140388

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 140388
COA: 294643
Saginaw CC: 08-030603-FC

JOHNNY LEE TAYBRON, JR.
Defendant-Appellant.

On order of the Court, the application for leave to appeal the December 1, 2009 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the trial court for correction of the judgment of sentence. The defendant's sentence for carrying a dangerous weapon with unlawful intent should not be made consecutive to the felony-firearm sentence because that offense was not a predicate felony for the charged felony-firearm offense. *People v Clark*, 463 Mich 459 (2000). Further, sentence credit should be applied to the defendant's sentence for carrying a dangerous weapon with unlawful intent. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 27, 2010

Corbin R. Davis

Clerk